

ORIGINAL

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKET SECTION

96 AUG 30 PM 1:24

11083
QA

Agreements Adopted by the Traffic :
Conferences of the International :
Air Transport Association :
:

Docket OST-96-1671-1

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

August 30, 1996

Communications with respect to
this document should be sent to:

David M. O'Connor
Director, External Relations - United States
International Air Transport Association
1001 Pennsylvania Ave. N.W. #285
Washington, D.C. 20004

(202) 624-2977

7pgs

Date: August 30, 1996
Filing fee/IATA Acct: \$122 - 605/9329
US/UST involved: no
Intended effective date: **October 1, 1996**
Agreement: **TC23 Telex Mail Vote 825**

Pursuant to statements submitted by Member airlines of the International Air Transport Association (IATA), the undersigned has been constituted to be their attorney-in-fact for filing with the Department of Transportation copies of agreements adopted by the IATA Traffic Conferences.

This agreement and related factual and explanatory material and documentation required by 14 C.F.R. 303.31 and Department and Civil Aeronautics Board (CAB) precedent are contained in the IATA Traffic Conference documentation summarized above.

This agreement arises from the continuing process of Tariff Coordinating Conferences and was developed in the context of prior Department and CAB rulings addressing related resolutions which reflected regulatory and market conditions then in effect. Thus, the present agreement should be viewed as part of a dynamic process of IATA Member airline adjustment to governmental and economic factors.

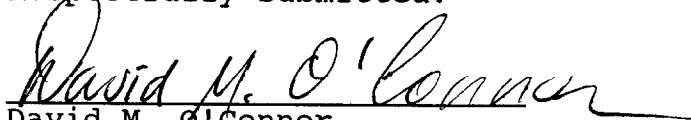
On previous occasions, the Department has found such agreements to be consistent with the public interest when they do not result in fares or rates that are unlawful or injurious to competition in the markets at issue. Approval of the present agreement would not yield fares or rates that are unlawful or injurious to competition. Moreover, approval of this agreement, which reflects compromises among the differing economic and social philosophies of the many nations whose airlines are parties, will advance the public interest in maintaining good aviation relations with other countries.

We request early approval by the Department of the foregoing agreement, pursuant to 49 U.S.C. 41309, and the grant of full antitrust immunity, pursuant to 49 U.S.C. 41308.

The conferral of full antitrust immunity would be in the public interest and necessary for the transaction to proceed. This agreement is a product of the IATA Tariff Coordinating Conferences which the Department found to be anticompetitive but nevertheless approved and immunized in Order 85-5-32 (May 6, 1985) on foreign policy and comity grounds because such action is necessary to achieve the serious transportation need of maintaining good aviation relations with other countries and these benefits are not obtainable by reasonably available means having materially less anticompetitive effects.

This agreement concerns fares or rates only between non-U.S. points and thus has at most indirect application in foreign air transportation. The U.S. authorities have recognized (e.g., Order 79-8-194, August 30, 1979) that the interests of sovereign nations in the conditions governing air transportation between them greatly exceed any that the U.S. might have by reason of U.S. airline, citizen or shipper participation. This agreement is not adverse to the public interest and should be granted full immunity.

Respectfully submitted:

A handwritten signature in dark ink, reading "David M. O'Connor", written over a horizontal line.

David M. O'Connor
Director, External Relations - United States
International Air Transport Association
Attorney-in-fact

CERTIFICATE OF SERVICE

A copy of this application or a summary notice thereof has been served by first class or priority mail on the following persons:

Chief, Transportation, Energy
& Agriculture Section
Antitrust Division
Department of Justice
Washington D.C. 20530

Donald L. Pevsner
1765 East Riviera Drive
Merritt Island, FL 32952


David M. O'Connor

August 30, 1996
Date Served

Requested by WASDCXB

RCV 96/08/21 11:03 VF

BEYQTME KHISFPK KRTCZSD SAHQTIY CAIQTMS AMMQTRJ DAMQTRB KWICIKU
ALGCIAH ADEQTDY WASDCXB SINBZXB JEDQTSV JEDQJSV
.GVATEXB 210705
AZZI/ME MALIK/PK ELHADARI/SD SADAKA/IY TEWFIK/MS QALABI/RJ
ALKHAYER/RB AL-AMEERI/KU HERROUG/AH I MOHAMED/DY O CONNOR/XB
KORIYAMA/XB TALLAB/SV TALLAB/SV

TE694

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

SUBJECT: MAIL VOTE 825 - RESOLUTION 003A
TC23 MIDDLE EAST-TC3
GENERAL INCREASE RESOLUTION FROM IRAN TO TC3

FIRSTLY: AT THE REQUEST OF IRAN AIR, THE DIRECTOR GENERAL HAS
AUTHORISED ISSUANCE OF CABLE MAIL VOTE BELOW. IR WOULD LIKE TO ADD A
COMMERCIAL INCREASE ON ALL FARES (EXCEPT ADD-ONS).

SECONDLY:

AAA RESO NUMBER: PTC23(MAIL 825)003A
BBB TITLE: TC23 MIDDLE EAST-TC3
GENERAL INCREASE RESOLUTION FROM IRAN TO TC3
CCC EXPIRY: INDEFINITE
DDD TYPE: B
EEE TEXT: RESOLVED THAT, ALL FARES (EXCEPT ADD-ONS) INTENDED FOR
APPLICATION ON OR AFTER 1 OCTOBER 1996, FOR
TRANSPORTATION FROM IRAN TO TC3, ARE INCREASED BY 7

PCT

FFF FILING PERIOD WITH GOVTS: 29 AUGUST - 20 SEPTEMBER 1996
GGG INTENDED EFFECTIVE DATE: 1 OCTOBER 1996

THIRDLY: VOTING MEMBERS ARE REQUESTED TO VOTE BY CABLE BY 1500 HOURS
GENEVA TIME 28 AUGUST 1996. VOTES RCVD AFTER THAT TIME WILL NOT BE
ACCEPTED

DIRECTOR TARIFF COORDINATION

Requested by WASDCXB

RCV 96/08/23 13:49 VF

KHISFPK CAIQTMS KWICIKU JEDQTSV JEDQJSV WASDCXB SINBZXB

.GVATDXB 221241

MALIK/PK TEWFIK/MS AL--AMEERI/KU TALLAB/SV TALLAB/SV O CONNOR/XB
KORIYAMA/XB

TD131

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

SUBJECT: MAIL VOTE 826 - RESOLUTION 003I

TC3 GENERAL INCREASE RESOLUTION FROM TAIWAN TO JAPAN

FIRSTLY: AT THE REQUEST OF JAL, THE DIRECTOR GENERAL HAS AUTHORISED
ISSUANCE OF CABLE MAIL VOTE BELOW. JAL PROPOSES TO INCREASE ALL
NORMAL ONE WAY FARES FROM TAIWAN TO JAPAN BY 5 PCT IN ORDER TO OFFSET
RISING COSTS

SECONDLY:

AAA RESO NUMBER: PTC3(MAIL 826)003I

BBB TITLE: TC3 GENERAL INCREASE RESOLUTION FROM TAIWAN TO JAPAN

CCC EXPIRY: 31 MARCH 1997

DDD TYPE: B

EEE TEXT: RESOLVED THAT, FARES FROM TAIWAN TO JAPAN IN
ATTACHMENTS TO RESOLUTIONS 053I, 043I AND 063I ARE
INCREASED BY 5 PCT

FFF FILING PERIOD WITH GOVTS: 30 AUGUST - 20 SEPTEMBER 1996

GGG INTENDED EFFECTIVE DATE: 1 OCTOBER 1996

THIRDLY: VOTING MEMBERS ARE REQUESTED TO VOTE BY CABLE BY 1500 HOURS
GENEVA TIME 29 AUGUST 1996. VOTES RCVD AFTER THAT TIME WILL NOT BE
ACCEPTED

DIRECTOR TARIFF COORDINATION

Requested by WASDCXB

RCV 96/08/23 13:50 VF

KHISFPK CAIQTMS KWICIKU JEDQTSV JEDQJSV WASDCXB SINBZXB
.GVATDXB 230651
MALIK/PK TEWFIK/MS AL--AMEERI/KU TALLAB/SV TALLAB/SV O CONNOR/XB
KORIYAMA/XB

TD132
TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES
SUBJECT: AMENDMENT TO MAIL VOTE 826 - RESOLUTION 003I
TC3 GENERAL INCREASE RESOLUTION
FROM TAIWAN TO JAPAN EXCEPT OKINAWA

FIRSTLY: AT THE REQUEST OF PROPOSER, MAIL VOTE 826 CIRC BY MSG TD131
DTD 22 AUG 96 IS AMENDED TO EXCLUDE INCREASE OF 5 PCT FROM TAIWAN TO
OKINAWA:

EEE TEXT RESOLVED THAT, FARES FROM TAIWAN TO JAPAN EXCEPT OKINAWA
IN ATTACHMENTS TO RESOLUTIONS 053I, 043I AND 063I ARE
INCREASED BY 5 PCT

SECONDLY: UNLESS ADVISED TO THE CONTRARY BY 1500 HRS GENEVA TIME 29
AUGUST 1996, THE END OF THE VOTING PERIOD, WILL ASSUME THAT ABOVE
AMENDMENT DOES NOT ALTER AFFIRMATIVE/ABSTENTION VOTES ALREADY CAST

DIRECTOR TARIFF COORDINATION